

filed in the office, and have the full force and effect of a judgment against such debtor and sureties; and upon failure of any debtor to give such bond, or comply with any of the conditions thereof, execution shall forthwith issue, upon plaintiff's request, against such debtor and his sureties, for the full amount of the judgment then unpaid, and costs, in accordance with laws in force prior to the 2d day of March, A. D., 1861."

Tabled.

Senator Shelley moved to amend 3d Section, by inserting after the word "installment," in fourteenth line, "as provided in this act," and by adding to the end of the section the words, "in the name of the officers of the court."

Amendment made.

Senator Cooley offered the following amendment, which Senate refused to make :

In the 3d Section, strike out all between the word "*obligations*," in the fourth line, and the word "*and*," in the eighth line, and insert therefor the following : "Trial and judgment shall be had as provided by the general laws of the State."

Senator Dalrymple moved to amend 2d Section by striking out the words, "now pending in the courts of this State."

Motion lost.

Question being on the engrossment of the bill, its engrossment was ordered by the following vote :

YEAS—Senators Braswell, Boyd, Brown, Bumpass, Cook, Coppedge, Foscue, Guinn, Jowers, Knox, Littleton, McDade, Nelson, Parker, Randolph, Record, Reed, Saufley, Shannon, Shelley and Yarbrow—21.

NAYS—Senators Blount, Cooley, Dalrymple, Lane, Neyland, Selman and Truitt—7.

Senator Reed moved to suspend rule, and place bill on its final passage.

Motion lost.

Upon motion of Senator McDade, the Senate adjourned until 10 o'clock, Monday morning.

SENATE CHAMBER, }
Sept. 24, 1866. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present

Journal of yesterday read and adopted.

Senator Bumpass moved to correct the Journals on the final

vote to postpone indefinitely his amendment to the bill for the relief of debtors in certain cases. The Journals showed that the Senator from Williamson voted to postpone, when he voted in the negative, and by that error it would appear that the motion to postpone failed by a tie vote.

Senator Shelley moved to reconsider the vote ordering the bill to be engrossed for the relief of debtors in certain cases, and to postpone the vote reconsidering until to-morrow at 11 o'clock.

Carried.

Senator Shelley also moved to reconsider the vote postponing Senator Bumpass' amendment, and to postpone the reconsideration until to-morrow at 11 o'clock.

Carried.

Senator Record reports and recommends the passage of a bill "providing for the introduction of evidence in criminal cases."

Also, reports a bill to repeal "An Act to prevent judgments from becoming dormant, and to create and preserve judgment liens," and recommends the adoption and passage of a substitute in lieu of the original bill.

Also reports :

Hon. Geo. W. Jones, President of the Senate :

The Judiciary Committee, to whom was referred a bill to be entitled "An Act concerning escheats, and proceedings in relation thereto," have had the same under consideration, and have instructed me to report the bill back to the Senate, and recommend its passage with the following amendments :

Amend as follows : In section 2, strike out the words, "with the assistance of some reputable attorney and counsellor at law."

Amend 4th section : In second line between the word "make," and the word "immediate," insert the words, "under oath."

In section 12 and section 21, strike out the words, "and be it further enacted."

Strike out section 22, and insert :

SEC. 22. The Judge of the County Court may, when he deems it to be for the interest of the estate, employ an attorney at law to attend before him in behalf of the estate, and may allow him a reasonable compensation therefor, to be paid out of the assets of the estate.

J. K. P. RECORD, Chairman.

Senator Shannon Chairman of Joint Committee on Land Office, made the following report :

Hon. Geo. W. Jones, President of the Senate :

The Joint Committee on Land Office, have been convinced in examining the duties of the Commissioner, that as the law now

stands his labors and responsibilities are greater than he should perform, and to relieve him of a part of that extra labor ; they are of the opinion that the office of Receiving Clerk should be created, making him responsible for his own acts to the State or individual. Believing that such legislation is not only wise, but absolutely necessary, the committee have instructed me to report the accompanying bill and recommend its passage.

W. R. SHANNON, Chairman.

Bill read first time.

Senator Neyland reports :

COMMITTEE ROOM, }
Austin, September 24, 1866. }

Hon. G. W. Jones, President of the Senate :

The Committee on Engrossed Bills have examined and find correctly engrossed the following bills, viz :

A bill to be entitled "An Act for the relief of debtors in certain cases."

A bill to be entitled "An Act to prohibit the sale or otherwise disposing of spirituous or other intoxicating liquors, within six miles of Salado College."

A bill to be entitled "An Act to incorporate the town of Denton, in Denton county."

A bill to be entitled "An Act authorizing Robert S. Gould, Judge of the 13th District to hold a special term of the District Court in Robertson county."

Also, joint resolution to pay B. H. Davis for services as Clerk to Joint Select Committee to examine books of General Land Office.

W. M. NEYLAND, Chairman.

Senator Guinn Chairman of Committee on Finance, reports and recommends the passage of House bill, "authorizing the State Treasurer to employ an extra clerk for the term of six months."

Also, reports and recommends the passage of Senate bill "to relieve the people from the payment of certain taxes."

Senator Coppedge Chairman of Committee on Counties and County Boundaries, reported and recommends the passage of House bills, "to change the western boundary line of the counties of Uvalde, Zavalla and Dimmitt."

"To organize the county of Kinney, and attach the adjoining territory thereto."

"To organize the county of Maverick."

Also, reports and recommends the adoption of a joint resolution "for the relief of Starr and other counties."

Also, reported as follows :

To the President of the Senate :

The Committee on Printing, to whom was referred that portion of the Governor's Special Message, which had reference to the publication of the official documents accompanying his regular message, beg leave to report that we have examined the same and recommend the printing of the following reports :

1st. The two condensed statements of the acting Provisional Comptroller.

2d. Suggestions and recommendations of the present Comptroller.

3d. Condensed report of Messrs. Pease and Palm on the condition of the State Treasury, together with their report of available funds in the Treasury.

4th. Jas. H. Raymond's report of funds found in the Treasury after the surrender with receipts.

5th. W. L. Robards reports of available funds turned over to him by C. H. Randolph, late Treasurer.

6th. Geological and Agricultural Surveys of Texas.

We recommend the printing of 500 copies of the above reports in one pamphlet.

Also, 500 copies of the reports from the Superintendents of Deaf and Dumb and Lunatic Asylums in one pamphlet.

C. C. COPPEDGE.

For the Committee.

On motion of Senator Guinn, the report was taken up and adopted.

Senator Guinn introduced a bill to regulate the "carrying of deadly weapons."

Read first and second time and referred to Committee on Judiciary.

Senator Randolph introduced a bill to extend the time for the payment of all "dues by settlers, under the acts authorizing the sale of the public domain."

Read first and second times and referred to Committee on Public Lands.

Senator Knox introduced a bill to incorporate the San Antonio Oil, Coal, Mining and Manufacturing Company.

Read first and second times and referred to Committee on Commerce and Manufactures.

Message received from the House, announcing the passage of the following bills, viz :

Senate bill to incorporate the Hempstead Concordia Manufacturing Company.

Senate bill to incorporate the town of Georgetown, Williamson county.

Senate bill "making an appropriation for the payment of salaries of officers of the Provisional Government, and for indebtedness of the State, incurred during the pendency of said government, still remaining unpaid."

Senate bill to incorporate the San Antonio Ice Company.

Senate bill to incorporate the San Antonio Mechanics' and Laborers' Association.

Senate bill to authorize the Police Court of the County of Denton to issue bonds of the county for the purpose of erecting public buildings for the county.

Senate bill to incorporate the Rio Grande Railroad Company.

Senate bill authorizing Robert S. Gould Judge of the 13th District to hold a special term of the District Court in Robertson county, with an amendment.

Joint resolution, to pay B. H. Davis for services as clerk to Joint Select Committee to examine books of General Land Office.

Senate bill to incorporate the Brownsville Bridge Company.

House bill providing for a sale of the county school lands.

House bill authorizing the Surveyor of Dallas county to transcribe the records of his office.

House bill to incorporate the East Fork of Trinity Bridge Company, on the road leading from Dallas, in Dallas county, to Kaufman, in Kaufman county."

House bill to amend "An Act to provide for the payment of Grand and Petit Juries, passed February, 1850 "

House bill "granting relief to purchasers of University lands."

House bill authorizing the County Court of Collin county to levy a special tax for the erection of a Court-house and jail therein.

House bill to repeal "An Act entitled an act to prohibit the sale of intoxicating liquors within four and half miles of the Court-house in Fort Worth, Tarrant county, Texas.

House bill to authorize the Mayor and Common Council of the town of Gonzales to levy and collect a special tax for certain purposes.

Senator Jowers for the Committee on State Affairs, reported back and recommended the passage of a bill "to authorize the Financial Agent of the Penitentiary to appoint a person to examine the books and papers of that Institution, and report thereon, and for other purposes."

On motion of Senator Jowers, bill taken up, out of its order, and read second time.

On motion of Senator Stell, the words, "in currency," were inserted after the word, "dollars."

Bill as amended, ordered to be engrossed, and on motion of Senator Jowers, rule further suspended, read third time and passed.

Senator Littleton introduced a bill to amend the second section of "An Act entitled an act to incorporate the town of Helena, in Karnes county, passed August 23, 1856.

Read first time and referred to Judiciary Committee.

On motion of Senator Stell, a bill for the further assurance of titles to purchasers at judicial and other sales, taken up, 133 copies ordered to be printed, and made the special order for Thursday next at 10 o'clock.

On motion of Senator Neyland, a bill for the relief of the Eastern Texas Railroad Company, taken up, read second time and ordered to be engrossed.

On motion of Senator Neyland, rule suspended, read third time and passed by a two-thirds vote as follows:

YEAS—Senators Blount, Boyd, Brown, Bumpass, Coppedge, Dalrymple, Foscue, Guinn, Jowers, Knox, Littleton, McDade, Nelson, Neyland, Parker, Randolph, Reed, Saufley, Shannon, Shelley, Truitt and Yarbrow—22.

The following message was received from his Excellency, the Governor, which, upon motion of Senator Shelley, was taken up and read.

STATE OF TEXAS,
EXECUTIVE DEPARTMENT,
AUSTIN, Sept. 22, 1866. }

Gentlemen of the Senate and House of Representatives:

I return herewith to the House of Representatives "An Act to incorporate the Houston and Galveston Wharf and Press Company."

The title declares this to be an act to incorporate the Houston and Galveston Wharf and Press Company. The first section incorporates the person named for a particular purpose, and then says "*as such and by that name* shall be capable of contracting and being contracted with, suing and being sued, impleading and being impleaded, answering and being answered unto and in all matters whatsoever." By this it will be observed that the company is not confined to contracting, suing, pleading, answering, &c., in all matters whatsoever alone pertaining to the business of a wharf and press company, but are permitted to sue, contract, plead and answer in all matters whatsoever outside of the legitimate business for which the company appears to have

been incorporated. This, however, I presume was an unintentional omission in drafting the bill.

The most serious objection is to the 2d section of the act, which is clearly in conflict with the 24th section of the seventh article of the Constitution. This section of the act not only provides for the object mentioned in the title, but in addition provides for the erection of a flouring mill or "mills whenever the public convenience shall require or justify. Also, mills for the dressing or preparing lumber for use, and establish a dry dock or docks with suitable ways for the building of vessels and steamboats." It is very evident that the building of flouring mills and lumber-dressing mills, as contemplated by this provision, is entirely independent of, and in no wise connected with the objects of the act as expressed in the title; and it is by no means free from doubt that erection of dry docks for the purposes and in the manner provided is not also liable to the same objection. In the case of *Tallock vs. Eccles*, (20th Texas Report, 792,) where "An Act to consolidate the Texas Monumental Committee and the Texas Military Institute with Rutgersville College" was brought in question, the Supreme Court say:

"It could not have meant that the word object should be understood in the sense of provision, for that would render the title to the act as long as the act itself. Various and numerous provisions may be necessary to accomplish the one general object which an act of the Legislature proposes. Nor could it be intended that no act of legislation should be constitutional which had reference to the accomplishment of more than one ultimate end, for an act having one main or principal object in view may incidentally effect or be promotive of others, and it would be impossible so to legislate as to prevent this consequence. The intention doubtless was to prevent embracing in an act having one ostensible object provisions having no relevancy to that object, but really designed to effectuate other and wholly different objects, and thus to conceal or disguise the real object proposed by the provisions of an act under a false or deceptive title."

From this decision it would seem that all subjects having relation or affinity to one another may be embraced in the same bill under one title, but it cannot be seen how the various enterprises mentioned in the second section can bear that relation. In any event it is clear that the title is not sufficiently broad to cover the enacting clause referred to; but as these purposes are laudable, and as the public might be benefited by the incorporation of companies to carry into effect the objects

contemplated, I would have no hesitation in signing bills for such purposes when properly presented.

There is another objection, though not insuperable, to which I desire your attention. It is that of restricting the right of the people to participate in the benefits conferred by such acts of incorporation. Persons living near the localities contemplated for the operations of incorporated companies should be allowed to participate in the benefits conferred. And especially should this be the case where persons are interested in the land and property contiguous to the localities where works are sought to be erected. It is not just to the people, that a select few who have large means should be alone favored. I call your especial attention to this, because this bill and others presented incorporate certain persons and confer certain powers and privileges which it appears to me should only be held by them as trustees for the benefit of the public. Unquestionably the true policy is to open books and allow subscriptions.

This bill does not specifically confine the operations of this company to Houston or Galveston. It does not say that the company is incorporated for the purposes of owning and constructing its wharves, mills and docks in Houston and Galveston, and if the words "Houston and Galveston" were stricken from the bill, it would be apparent to the most careless reader, as it really is, a company incorporated to operate anywhere and everywhere throughout the Universe. If the names of these goodly cities were not in the bill, there would be a wharf and press company incorporated without a prefix or given name, and with no local habitation.

I would respectfully suggest to your honorable body that great care should be taken in all acts of incorporation, and that no powers or privileges be granted except those especially incident and necessary to effect the legitimate objects intended to be attained by such laws; and the powers given and privileges conferred should be specifically named, and not be left to inference or implication.

The general objects of the bill under consideration are proper, and I will not refuse to sign separate bills, properly framed, when presented.

The bill is returned for your consideration.

J. W. THROCKMORTON, Governor.

Upon motion of Senator Bumpass, a House bill to authorize the County Court of Collin county to levy a special tax, for the erection of a Court-house and jail therein, was taken up and read first time, rule suspended, read second time.

Senator Bumpass moved to amend the bill as follows:

In the caption insert the words "and Grayson."

In section first, after the word "Collin," insert the words "and Grayson, provided the jail shall be first built."

Amendment made.

Bill as amended read, and passed to a third reading.

Upon motion of Senator Bumpass, rule suspended, bill read third time and passed.

ORDERS OF THE DAY.

Senate bill to confirm the grants of land to the Washington County Railroad Company, on its second reading taken up, read and ordered to be engrossed.

Upon motion of Senator McDade, rule was suspended, bill read third time and passed.

House bill to authorize and permit George W. Glasscock to sue the State of Texas, on its second reading, taken up and read.

Senator Reed moved to amend as follows:

After the word "Glasscock" insert "and all other citizens holding claims against the State."

Motion lost.

Senator Jowers moved to amend as follows:

"*Provided*, That no judgment shall be rendered in favor of the defendant for any amount for extra work done, unless the proof shall show that such extra work was authorized in writing by the Commissioners who superintended the work.

Lost.

Bill passed to a third reading by the following vote:

YEAS—Senators Braswell, Boyd, Bonner, Cooley, Dalrymple, Knox, Littleton, McDade, Neyland, Randolph, Record, Shannon, Shelley, Stell, Truitt and Yarbrow—16.

NAYS—Senators Blount, Bumpass, Coppedge, Guinn, Jowers, Nelson, Reed and Saufley—8.

Upon motion of Senator Shelley, rule suspended, bill read third time and passed.

Senator Neyland made the following report:

COMMITTEE ROOM, }
September 24, 1866. }

Hon. G. W. Jones, President of Senate:

The Committee on Engrossed Bills have examined and find correctly engrossed the following bills, viz:

A bill to be entitled "An Act for the relief the Eastern Texas Railroad Company."

A bill to be entitled "An Act to authorize the Financial Agent of the Penitentiary to appoint a person to examine the books and papers of that institution and report thereon, and for other purposes."

W. M. NEYLAND.

Chairman Committee on Engrossed Bills.

Upon motion of Senator Record, the Senate adjourned until to-morrow morning 10 o'clock.

SENATE CHAMBER, }
Sept. 25, 1866.

Senate met, pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journal of yesterday read and adopted.

Senator Foscue, Chairman of Committee on Education, reports and recommends the passage of a bill to incorporate Oakland College.

Also reports and recommends the passage of a bill to prohibit the sale of ardent or spirituous liquors within five miles of Oakland College.

Senator McDade, Chairman of Committee on Land Office, reports and recommends the passage of House bill, requiring county clerks to take charge of the records of county surveyor's office in certain cases.

Senator Coppedge, Chairman of Committee on Counties and County Boundaries, reports and recommends the passage of House bill to change the eastern boundary line of Medina and western boundary line of Bexar counties.

Senator Neyland, Chairman of Committee on Engrossed Bills, reported that said committee have examined and found correctly engrossed a bill to be entitled "An Act to confirm the grants of land to the Washington County Railroad Company."

Senator Yarbrow made the following report:

Hon. R. H. Guinn, President pro tem. of the Senate:

The Committee on Commerce and Manufactures, to whom was referred a bill to provide for the organization of joint stock companies for works of internal improvement, &c.

The committee have instructed me to report the bill back to the Senate and recommend that it be referred to the Committee on Judiciary.

J. C. YARBROW, Chairman.

Senator Parker, Chairman of Committee on Enrolled Bills,